PWJ 11

App. F. IX.-1

192 S.
(Dongyrai)

File No. 53-25

Serial Nos. 1—4

Previous References

Dmg 307 23-1-4
" 39 22-1-2
" 359-16-1-2

Later References

Dmg 75-29-1-2

General and Revenue Secretariat.

Serial Nos. 4

Part B for January 1929

SUBJECT

Endowment of lands by Sir Chowkeeen Sirdesh of Serugafontam for the benefit of Sri Gangadharam Varavaramu Devaru at the place

---

DE 1307 dated 8.1.1929 To the Dmg Comr

States that the best course is to get a release deed from all the brothers of the donor for the lands in question

G. R. S. III—1] 1915-6

GENERAL AND REVENUE SECRETARIAT.

(Mug)

NOTES.

File No.

FILE HEADING.

Land endowment by Mr. Chowbeeni Subbaiya of Seringapatam for the benefit of the temple of Sri Gangadhareswaraswami at the place.

From

The Mug: Commr. in Mysore

No. 765 of 24-25 Dated 11-7-25 Received 14-7-25

Diary No. 61	Enclos. 2 & Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Solicits permission to restore the order of the acceptance of the land endowment and to cancel the 2nd order of 17-6- declining to accept the gift of land and requests that the Legislative Secretary may be consulted as to whether the deed of gift executed by the Donor & registered ~~may be accepted~~ is sufficient & whether it requires modification

NOTES AND ORDERS.

Lands measuring 4 ae-2 [illegible] in Rampura Agraharam and 1 ae-34 g in Ramaiya Agraharam were endowed to the Sri Gangadhareswaraswami temple at Seringapatam by [illegible] the consent of [illegible]

NOTES—First Sheet

and ... enue Secretariat. | Mug File No. 53

Serial No.

By means of a deed of gift, which has been registered. This was accepted by the Mug: Court in his order of 3-2-23.

76

94

2. In this office letter no. 442/Mug 307-23-4 of 23-9-24 the Mug: Court was informed that the land endowment offered by Mr Subbaiya may be declined to be accepted, as it would throw addl. work and responsibility on the Rev: officers.

3. In his present letter of 10-7-25, the M.C. states that the order of 3-2-23 accepting the endowment was cancelled and the lands were directed to be restored to the donor and that he was also informed that if the land are sold & the cash realised was endowed, it would be accepted.

4. As the donor persists in his land endowment being accepted, the Mug: Court subts the case for reconsideration of Govt.

5. The grounds urged for such a reconsideration are:—

1) That the land, endowment in question is not a gift of a doubtful nature, involving any risk to the temple, as contemplated in para 2 of G.O. No. ~~1033~~ 57, dt. 26 of 26-3-1875 (Page 68 of the Mug: Manual).

2) That the acceptance of the gift will not throw addl. work

NOTE—Contn Sheet

File No.

of 19

Serial No.

NOTE—Contn Sheet

General and Revenue Secretariat. | Mem. File No. 53 of 1925

Serial No.

on the Rev: officers more than a cash endowment does on account officers as well as Rev: officers;

3) that a rigid application of the rule is sure to deprive many a deserving institution of the help that would come to it in the ordinary course of things;

4) that when grant of land by Govt. now-a-days is not possible, private donors should not be discouraged by being compelled to sell their lands and make only cash endowments;

5) that in the majority of cases, lands bring in more income than the interest on cash endowments and will come in handy for the Padittana expenses of temples;

6) and that the order of July 1906 ~~does not~~ is more elastic and does not prohibit the acceptance of valuable ~~lands~~ gifts of land.

6. In summing up his reasons for the acceptance of valuable land gifts, the Mys: Govt. states that the balance of advantages lies in accepting the lands which are not gifts.

G.R S. III-2]

File No. 5 of 19 25

General and Revenue Secretariat. C

Serial No.

...ose title is undisputed and valid. ...and when there are no encumbrances, ...which are likely to lead to litigation.

7. He states that cases of alienation ...of such lands, through negligence, are ...frequent & that the temple authorities & local officers should ...guard against such contingency.

8. He states that an up-to-date compilation ... & land inams is a felt want & that he would ...take separate action in the matter. ...He may be noted with reference to this point that there is a separate file on the subject & that ... calls have been called for from the Survey & Draw... Supdt. in the matter.

9 The Rly. Comr. in requesting permission to accept the gift in question, for the foregoing reasons, ...requests to be favoured with the opinion of the L.D.A. Secretary as to whether the deed of gift is valid... ...in relation -

10 The L.D.A. Secretary has also been consulted & his opinion is on record (vide paras 3 & 4 of the note in R. 3:7 23 put up for reference)

It has been suggested by Comr. that

NOTE—Contn. Sheet

Serial No.

the Donor's son & brothers, if any, should be made to execute a Deed of release.

11. If Govt are in favour of furnishing the Mng: Comtee to accept the gift of land, then it is for orders as to whether the L & L Secretary's opinion as to [illegible] may be communicated [illegible]

12. The Mng: Comtee may perhaps be authorised to accept the Govt. as recommended and to obtain the release deed in respect of the lands in question from the Donor's coparceners as opined by the L & L Secy?

Sd
18.7.25

D
22.7.25.

Rev. Secy
1st inst.

D
29.7

D
30.7.25.

741/307

13. It is not [illegible] the Endowment of the land & his temple as it management being entrusted to Revenue Inspr & Dharmakartha.

14. The Govt. Mines Branch was pleased by their U.O. No. [illegible]

D
30/7

Sd
31.7.

D
5.8.25.

1st November
Shows if there is other instances of private lands under Govt. management - in respect of this info as to other instances.

14.8.25

G.R.S. III-2]

File No. of 19 .

Serial No.	

Serial No.

16. Some instances of private endowments of lands to temples under Govt. management are noted below:-

1) Endowment of land by Diwan Bahadur C. Srikanteswara Aiyer to the Sri Srikanteswaraswami at Nanjangud for the performance of certain services in the temple was accepted in G.O. Nos. 1660-14/Mis 359-16-2 & 2-1-17 and the land having been transferred to the temple khata, it is under Govt. management.

2) More recently, land and cash endowments made by Vedamurti Subba Saibu for the benefit of the Sri Viswanatheswaraswamy temple at Paramanpur in the Chamarajanagar Taluk were accepted and taken under Govt. management (vide G.O. Nos. 1331-2/Mis 147-24-6 & 12-3-25)

3) Acceptance of Pudavat in the shape of land offered by Mr. B. Ramaswamayya, Retired S.D.O, for the celebration of Sri Shankarajayanti at the Nanjangud temple (vide G.O. 612-14/Mis 39-23-2 &

17 [illegible]

The above instances [illegible] Mis Govt having accepted the management

NOTE—Contn Sheet

File No. of 19 .

Serial No.

Serial No.

in the past, and they have all been taken up by Govt under Sec 3 of the Mug Regt which empowers Govt to undertake the Management of religious or Charitable Trusts at the option of the Trustees, provided he has received no interest of a revisionary or beneficial nature for himself. The Case in point now, viz the endowment of Mr Chowbeny Subbaiya seems also to be a Trust of this nature, and may perhaps be taken up under Govt management as recommended by the Hindu Com. Land & Sea Customs abandonment of Gift.

858/31 8

182 Member)

31-8-25

18 that his circumstances stated by - that Com, his proposal ~~to~~ accept the endowment of the lands may be sanctioned. If the deed of gift & trust be in order. The Land & Sea Customs may be consulted on the points as regards above

Land & Sea Cus)

2 copies

NOTE—Contn Sheet

G.R.S. III 2]

File No. of 19 .

Serial No.

NOTE—Contn. Sheet

Revenue tariat. | File No. 53 of 1925

Serial No.

19. My opinion on the deed of gift is already on record. (Vide cover containing the opinion dated 7. 7. '24 - paras 3 & 4 of the note in File 307. 23. (Rev).]

20. The donor appears to be the manager of a Hindu family & Rel no mention is made in the deed of gift of the existence of any coparceners nor the circumstance of the family.

21. It would be better that all the coparceners (joint) who are sui juris should join in executing the deed to avoid future complications - ~~In all particulars this of~~ I have fully considered the legal aspect in my opinion dated 18th July

Revised
Draft (compld) } 13-10

1st member 13/10

259/14.10 22. The opinion of the A.A. Secy may be communicated to the Revenue Member & the Revenue Member may be asked to take necessary action as suggested in para 1. 1st ad

14.10.25.

23 [illegible]

19.10.25

NOTE—Contn. Sheet

G.R,S. III 21

File No. of 19

Serial No

872

[App. F. 111—2

Jud Revenue Secretariat

Mug File No. 53 of 1925.

Serial No

24. Appl

Rev. Dep) 19.10.25 25 Dsump 2170

20.10.25

2. To,

Mus Commr No 4755 of 24.10.25

Communicates Ld Secy's opinion & requests him to take necy further action and report the result to Govt

7 | 3

From the Mug. Comr.,

Letter no. 765 of 24-25 & 11-12-28.

Makes a further report, re the land endowment made by Mo Chowdeeve Subbiah in favour of the temple of Sri Ganga Dharaswaraswamie Temple at Seringapatam & requests for reasons stated that the Legal Remembrancer may be again consulted in the matter & orders of Govt communicated to him.

26 The opinion of the Legal Remembrancer given on 9-7-24 is in the closed envelop (page 4) of the file 307-23.

27. As Chowdeeve Subbiah is not in a fit state of mind to have the Deed rectified as opined by the Legl. Remr and as his brothers are stated to have no objection to the gift, the M.C. wants the advice of the L.R. again in the matter

Note—Contn. Sheet

App. F. III—2]

File No. of 192

General a
Secre

Serial No.	

NOTE—Contn Sheet

Serial No.

26
Subd. for orders as to whether the papers may again be sent to Blood R. for his opinion —

Sd/ 15.12.28 (Mr Menon)
15/12/28

WD 15/12

Yes
29/12 (Mr)
18/12

Sd/ Rmr)
18/12

30 The best course under the circumstance seems to be to get a deed of release executed by all the brothers of the donor, relinquishing all their rights over the land gifted in favour of the deity. Nothing can be done in the case of the minor sons of the donor —
If this course is not followed there may be complications in future. Mere letter by the brothers is not sufficient

Put Under 7 with Compts.
80
29/12

(Mr. Menon)
WD
31 LR's opinion may be communicated to the M.C and he may be asked to take action accordingly
31/12
3/1/29

32 Done
WD
2/1

NOTE — Contn. sheet

872

17

App. F. III—2]

General and Revenue Secretariat | Mus File No 53 of 192 5-28

Serial No.

33 Draft for both. MC 5/1/29

34 Mus MB 5/1/29

4 To Dn. C. No 1307 & 8.1.29
State that the Course will be to get a release bond from all the brothers of the donor for the lands in question & to get [illegible]

WD 021—GPB—30,000—21 8 28

02037

No. 765/14-15 Office of the Muzrai Commissioner in Mysor

Dated, Bangalore the 10th July 1925.

From

The Muzrai Commissioner in Mysore,
Bangalore.

To

The Secretary to the Govt. of H.H. the Maharaja of Mysore, Revenue Department, Bangalore.

Adverting to correspondence ending with your letter No.442/ M.F. 307-23-4 dated 26rd September 1924 stating that Mr. Chowbeeni Subbaiya of Seringapatam may be informed that Government are not prepared to accept the land endowment made by him for the benefit of the temple of Sri Gangadhareswaraswami at the place I have the honor to submit that the order of the 3rd February 1923 accepting the endowment was cancelled and the lands were directed to be re-~~sorted~~ shored to the Donor. It was also intimated that if the Donor agreed to sell the land and give the proceeds the endowment would be accepted.

2. Mr. Subbaiya refused on two occasions either to take back the lands or consent to their sale in view of the fact that there were many similar instances of land endowments by private individualduals under Govt. management and that his case was not of an exceptional nature.

The Deputy Commissioner (Mr. A. V. Ramanathan) requested a reconsideration of the matter in the light of the donor's further representations (vide copy of letter dated 19th December 1924 enclosed). In reply to this it was intimated that if the Donor does not accept the alternative proposal to make a cash endowment the cancellation order already passed cannot be changed.

A copy of the Deputy Commissioner's further communication submitting a copy of Mr. Subbaiya's statement before the Amildar on 25-4-25 expressing his unwillingness to the disposal of the lands and praying for the acceptance of his endowment and the conduct of the sevas is forwarded herewith for orders of Government.

3 In this connection I beg to submit that a change in the [illegible] of Government as laid down in the Revenue Secretary's letter [illegible] 28th July 1924 seems to be urgently called for.

The additional work devolving on Revenue officers by the acceptance of land endowments is not only periodical but is also in-appreciable and such addition is not likely to require their continued attention to the prejudice of their other legitimate duties. If acceptance of land endowments throws additional work on revenue officers the acceptance of cash endowment will in a similar manner throws some extra work on account officers as well as revenue officer who are also mufrasil officers in their respective jurisdiction.

A rigid application of the above principle is sure to deprive many a deserving institution of the help that would come to it in the ordinary course of things.

Moreover grant of lands by Government now-a-days is not possible and if intending donors in all cases are asked to commute their land into cash and make cash endowments alone they would not certainly enlist the same idea on grounds of sentiment and long established custom.

In the majority of the cases the lands bring in more income than the interest on cash endowments and if in these days of high prices the produce from the lands are promptly collected and securely stored under proper safe guards it will not only obviate the necessity of purchasing rice required for daily use at abnormal cost but will also give a living to the ill-paid temple servants.

The restrictions laid down in G.O.No.575-86 dated 23rd July 1906 for the acceptance of land endowments are sufficiently elastic and comprehensive to need any further elaboration.

4 I am therefore of opinion that where the lands offered are not likely to deteriorate title is undisputed and valid and there are no encumbrances which are likely to lead to litigation the balance of advantage certainly lies in accepting the land than insist upon

a cash payment. Further if at any time management of the land become inconvenient there can be no difficulty in selling the land and investing the proceeds in interest bearing securities. In regard to such lands there is only one other point that derserves consideration and that is that if they are alienated through negligence of supervision &c they cannot be resumed like inam lands summarily; but such instances are few and far between and the temple authorities and local officers have to guard against any such contingency. An up to date compilation showing the endowments made by private persons (both cash & lands) for the benefit of several institutions in the State seems to be a desideratum and separate action in the matter will be taken. In these circumstances I submit that the direction contained in your letter of the 23rd September 1924 may be suitably modified and the instructions conveyed in G.O. No. 575-86 dated 23-7-06 allowed to continue in full force and effect.

5 In the case now under reference the lands are in possession and enjoyment of the temple and the khate has also been made in the name of the deity. A deed of gift on a stamp paper of the value of Rs 75 has been executed and registered and the Donor has undertaken to have it rectified in whatsoever manner suggested. The lands besides being valuable and un-encumbered are giving a fair return annually to the temple. (vide margin) I beg therefore to solicit permission to restore the order of the acceptance of the 23rd February 1923 and to cancel the second order of 17th October 1924. In this view I request you to be so good as to consult the Legislative Secretary to Govt. whether the ded of gift enclosed in the vernacular file) executed by the donor Mr. Subbiya is sufficient or whether any modifications are required and if so in what respects.

6 The file of vernacular papers is submitted for reference and return.

I have the honor to be,
Sir,
Your most obedient servant,

C V Balesundaram

KSR. Muzrai Commissioner.

Copy of letter No.C.377/24-25 dated 19th December 1924 from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore, Bangalore.

With reference to your order No.R.Dis.47/24-25 dated 17th October 1924 intimating the cancellation of your order (of 26rd Feb. 24) accepting certain land endowments offered by Mr.Chowbini Subbiya for sevas in the Sri Gangadhareswaraswami temple at Seringapatam, I have the honor to state that Mr. Subbaiya on being informed of the above order, as directed, has given a statement before the Amildar on 29-11-24 to say that he cannot sell the land already endowed for the sevas, that before the land endowment was accepted if he had been informed of the present views of Government he could have if possible arranged to give cash puduvat otherwise that this question would not have arisen at all that he feels much surpirsed and disappointed to see that orders are now passed by the Muzrai Commissioner cancelling his own order of acceptance of the endowment and when the lands are under the management of Govt. for over two years and praying for a reconsideration of the order now passed in view of the fact that there are many similar instances of land endowments (made by private persons) under Govt. management and that his case was not one of an exceptional nature &c. He further adds that if there are any omissions in the deed of gift executed by him in respect of the above endowment he would most willingly rectify them if pointed out. His statement is enclosed to the file.

I request that the matter may be reconsidered in the light of this representation.

The entire file of the connected vernacular papers received with French Rocks Sub Division Officer's yadast No.ROC.61/25-24 dated 2nd December 1924 is forwarded for reference.

Copy of letter No.C.377/24-25 dated23rd May 1925 from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore, Bangalore.

With reference to your letter No.C.765/24-25 dated 17th January 1925 re: the endowment of certain lands offered by

Mr. Chobini Subbaiya of Seringapatam for the conduct of certain sevas in the Sri Gangadhareswaraswami temple at the place reques ing a reply as to whether the said donor has any objection to th lands being disposed of by Government and the proceeds accepted as a cash grant endowment I have the honor to state that while Mr. Subbiya was informed of the fact of your letter by the Taluk Amildar of Seringapatam he Mr. Subbaiya has given a statement before the Amildar on 25-4-25 expressing his disapproval to such a procedure and praying that his endowment of lands may be kindl accepted and the sevas arranged to be performed through Govt. The statement of the Donor referred to above is enclosed in the file.

The connected records received with the correspondence ending with French Rocks Sub Division Officer's memo No.ROC.61/ 24-24 dated the 27th April 1925 are enclosed for the favour of orders.

10/7/25

Muzrai Commissioner.

G. R. S. VI—G/321

17

SUBJECT..... ....

....

....

Diary No. of letter replied to 61

Section mun

File No. 53-28

Serial No 2

General and Revenue Secretariat

( )

, *the* *191* .

No. 425 Rev. of Fire

Date of issue 21-10-25

Signed by J. Reuse

To

Communicate Kupelly opinion of the Local Govt Dept in the matter

over.

family and ~~back~~ so no mention
is made in the deed of gift of the
existence of any coparceners
in the circumstances of the
family. ~~The legislature~~
~~secretary is of opinion that~~
It would be better that all
the coparceners, if any, who
are ~~s~~ should join in
executing the deed to avoid
future complications. ~~and~~ Again there
should be required their necessary
action, if none suggested
in the letter and the reasons
reported to Govt.

2. The enclosures to your letter
only are returned
herewith.

I have the
honour to be
Sir
Your most obedient
servant

(G. H. S. Tucker)
Rev: Secretary

Recd 19.10.25

List of enclosures.

Copied by

Examined by

Z

No. 765 24-5

OFFICE OF THE Muzrai COMMISSIONER IN MYSORE.

Bangalore, ...10th...December..... ..1928.

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,

Muzrai *Commissioner in Mysore*

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

Financial Department.

SIR,

With reference to correspondence ending with your letter No.475/ M.F.53-25-2 dated 24th October 1928, I have the honor to forward herewith copy of letter No.D.4.113/A.C. dated 22nd November 1928 from the Deputy Commissioner, Mysore District, in the matter of the endowment of Mr. Chowbeene Subbaiah in favour of the temple of Sri Gangadhareswara swami at Seringapatam and a copy of my adinterim reply to suspend further action to give back possession of the lands to the Donor - pending ----- further orders of Government.

2. The Deputy Commissioner reports that the three brothers of --- Mr. Subbaiah have stated that they have no objection to the gift of the land made by their brother but they have not executed a fresh -- deed-of-gift in conformity with the Law Secretary's opinion and that as Mr. Subbaiah is said to be not in a same condition, a fresh bound cannot be executed by him along with all his co-parceners and on --- behalf of his two minor sons.

3. The gift of the lands in question was made by Mr. Subbaiah - under a registered Deed-of-gift on a stamp paper of the value of --- Rs.75/- and possession thereof was also formally handed over to the temple by the Donor himself. Prior to the transfer of khate to the name of the Deity it was in the name of Mr. Subbaiah and he undertook to have the Deed rectified in what-so-ever manner suggested. But as it is reported that he became insane subsequently his presence -- could not be secured and a fresh document got executed. If the -- lands have to be now restored on account of a technical flaw in the

the Deed executed by Mr. Subbaiah, the question arises to whom th possession should be handed over, either to his minor sons or to his brothers so as to avoid any future litigation in the matter.

4. More-over, the land endowment in question valued at Rs.6000/- was accepted nearly 6 years ago and the khate of the lands was also transferred to the name of the institution at the same time and they are in the possession and enjoyment of the temple since then. Besides it is now reported that the 3 brothers of the donor Mr. Subbaiah, have stated that they have no objection to the gift of the lands already -- made. So far there have been no complaints from any quarter and the only takarardars in future might be the two minor sons of the Donor. As Mr. Subbaiah was at the time of gift competent to bind himself and his sons, I am of opinion that the possession of the lands may be --- retained by Government on behalf of the temple.

5. I request that the Legal Remembrancer may be consulted on the above points and necessary orders communicated to me in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

Assistant Commissioner
for Muzrai Commissioner.
(absent from Station)

Letter No.D.H.113/A.C. dated 21/22nd November 1928 from the Deputy ssioner, Mysore District to the Muzrai Commissioner in Mysore.

Subject:- Land endowment-Sri Gangadhareswaraswamy temple Seringapatam-by Mr. Choubeeni Subbiah.

With reference to your letter No.765 of 24-25 dated 10th April 1926 regarding the endowment of land offered by Mr. Choubeeni Subbiah - in favour of the Sri Gangadhareswaraswamy temple at Seringapatam, I have the honor to state that it is reported that the three brothers of Mr. Subbiah, viz., Messrs.Choubeeni Marigowda, Boriah and Puttasamiah, have stated that they have no objection to the gift of land made by Mr.Subbiah. But they have not executed a fresh deed of gift in conformity with the opinion expressed by the Legislative Secretary in his letter dated - 24th October 1925; moreover Mr. Subbiah is reported to be not in a sane condition and so the bond cannot be executed by him along with all his co-parceners. The donor has two minor sons, the elder being aged 17 -- and the younger aged 7, on whose behalf also Mr. Subbiah will have to -- execute the deed as their guardian before the endowment can be accepted.

2. As the property offered may entail future civil l as the offer is also rejected by you, I have ~~xxx~~ returned the to the Amildar of Seringapatam Taluk, requesting him to give back possession of the lands to the donor and to intimate the donor that he offers cash in lieu of the land endowment, it will be accepted and the sevas desired, arranged to be performed every year.

"Copy"

For Muzrai Commissioner.

T..... .....

.....

.....

Section Mugavi

File No. 53-25

Serial No. 24.

Diary No. of letter replied to.....

No. 1307.

General and Revenue Secretariat

( )

the *192*

To

The Mugavi Commr. in Mysore

Date of issue 8/1/29

Sir,

Signed by .....

With reference to your letter No 765/24-25 dated 10th/11th Dec 1928 on the matter of (land endowments) by Sri Chowdeni Subbaya of Srirangapatana for the benefit of Sri Gangadhareshwara Swami temple at the place, I am directed to state that the Legal Remembrancer considers that the best course under the circumstances is mainly that donor seems to be to get a deed of release executed by all the brothers, relinquishing all their rights over the

List of enclosures.....

Copied by.....

Examined by.....

over

WD 0399—GPB—20,000—18-9-28

land granted in favour of the
deity to avoid any possible
complications in the future as to
regards the minor from the donor
Nothing can be done

Thanks
W.D. 5/1/25
Frederick Hyne
Law Dept.

MC
5/1/25